

District Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN THE MATTER OF ABDUL RAHMAN
ALMAGHZAR, INS No. 72-775-104

No. MS

ORDER GRANTING
EMERGENCY EX PARTE
MOTION TO PROVIDE
INVOLUNTARY MEDICAL
TREATMENT

The Department of Homeland Security, Immigration and Customs Enforcement (hereafter “ICE”) has filed an ex parte motion for an order permitting it to pursue involuntary feeding of Abdul Rahman Almaghzar (A 72-775-104), who is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington.

Based on the declaration of Dr. Philip Farabaugh, MD, and information submitted by ICE, I find that there is sufficient cause to believe that without the requested medical testing and treatment, Mr. Almaghzar is in danger of irreparable injury, and possible death. Mr. Almaghzar’s current hunger strike poses a serious medical risk to himself.

A review of the applicable law reveals that the ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority

1 to issue an Order requiring the ICE to undertake this affirmative duty, which includes provision
2 of forced feeding with plastic tubes through the nasal passage. Such treatment should be limited
3 to that which is medically necessary for Mr. Almaghzar.

4 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures
5 and treatment described herein. ICE is directed to provide a copy of this order to Mr.
6 Almaghzar and his attorney forthwith.

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8 DATED this 13 day of March 2007.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE

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14 Presented by:

15 JOHN McKAY
16 United States Attorney

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18 _____
19 PRISCILLA T. CHAN
20 Assistant United State Attorney
21 700 Stewart Street, Suite 5220
22 Seattle, WA 98101
23 Telephone: (206) 553-7970
24 Fax: (206) 553-4073
25 E-mail: Priscilla.Chan@usdoj.gov

26
27 Attorneys for Moving Party Department of Homeland Security, Immigration and Customs
28 Enforcement